

FIRST REGULAR SESSION

HOUSE BILL NO. 782

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

1724H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil liability for harm caused by products manufactured or sold by third parties.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.771, to read as follows:

537.771. 1. In any civil action for personal injury, death, or property damage caused by a product, regardless of the type of claims alleged or the theory of liability asserted, the plaintiff shall prove, among other elements, that the defendant designed, manufactured, sold, or leased the particular product the use of which is alleged to have caused the injury on which the claim is based and not a similar or equivalent product. Designers, manufacturers, sellers, or lessors of products not identified as having been used, ingested, or encountered by an allegedly injured party shall not be held liable for any alleged injury. A person, firm, corporation, association, partnership, or other legal or business entity whose design is copied or otherwise used by a manufacturer without the designer's express authorization shall not be subject to liability for personal injury, death, or property damage caused by the manufacturer's product, even if use of the design is foreseeable.

2. This section shall not be intended to alter or affect any other principle of law, including those that apply to successor entities, distributors, component manufacturers, or manufacturers who use component parts in assembling products for sale as complete units or those that apply to the operation of a contract, including a licensing agreement.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.